

Remarks

Claims 1-23 were pending.

Claims 1, 3-8 and 18 are amended.

Claims 11, 12, 16, 17, 19 and 20 are original.

Claims 9, 10, 13-15 and 21-23 are as previously presented.

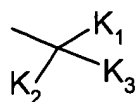
The application now contains claims 1 and 3-23.

Claim 1 is amended to incorporate the limitations of claim 2 and to delete redundant or otherwise unnecessary material. Thus:

- reference to L2 and L3 in the 14th line following the structures of Formula I and II is deleted
- the definition of L3 which begins 5 lines later is deleted
- the definition of Q+ which begins 2 lines later is deleted
- the limitations of claim 2 are inserted at this point, but the variable u is limited to 1 as u being 0 would make no sense
- reference to R8 is deleted
- and in the final two lines of the claim p is limited to 0 or 1.

Support is inherent in original claims 1 and 2 and the limitation of p reflects many of the preferred embodiments found in the specification.

Claims 3-8 are amended to delete as redundant the final line "and X" and the other substituents are as defined in claim 1". Claims 3-5, 7 and 8 are further amended to limit u to 1. Claims 3 and 4 are further amended to delete the unnecessary term "-L₃(Q⁺X⁻), is a group



wherein " which had appeared immediately prior to the definition of K₁. Support is inherent in the claims.

Claim 18 is amended to delete the term "smectite" and "phyllosilicate".

No new matter is added.

Objections

Applicants respectfully submit that the objections recited in the Action regarding variable R9 in claim 1 and the multiple ranges of claim 18 are overcome by the above amendments and kindly ask that they be withdrawn.

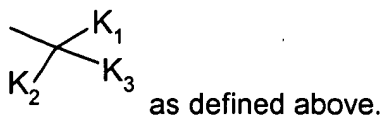
Regarding claim 3, the definition of T8 can be found along with Q1 in the first 4 lines immediately following the structures for formulae Ia-Ie. Applicants also respectfully point out that the space between x and is in claim 10 was inserted in the preliminary amendment submitted with the filing of the instant application.

Rejections

Claims 1, 11-15 and 17-23 are rejected under 35 USC 103(a) as being obvious over Giannelis et.al., J. Am Chem. Soc., 1999, 1615-1615. This is the same reference cited in the instant specification as Y. Sogah, et. al... at the bottom of page 1. The Examiner states that the difference between the reference and the instant claims is that the instant claims require one of the G groups to be substituted by ethyl which is only a one carbon homologue of methyl, and therefore it would be obvious to try the compound.

Applicants respectfully traverse the rejections.

The above amendments have incorporated into claim 1 the limitations of claim 2 and the difference between the compound of Giannelis and the requirements of the instant claims is no longer a simple one carbon homologation. For example, in the closest case to the compound of Giannelis, wherein in the compound of formula I, p and q are 0 and G1 and G2 together with the nitrogen atom to which they are bonded form a ring, r would have to be 1 with $-L_3(Q^+X^-)$ being a group



Giannelis discloses a single initiator compound and contains no suggestion on how to modify the substitution pattern, especially at the group which corresponds to $-L_3(Q+X-)$ according to the instantly amended claims. Applicants also respectfully note that original claim 2 is not rejected in the present Action over Giannelis alone.

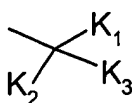
In light of the amendments and discussion above, Applicants respectfully submit that the rejections of claims 1, 11-15 and 17-23 under 35 USC 103(a) over Giannelis are addressed and are overcome and kindly ask that the rejections be withdrawn.

Claims 2-5, 7, 9, 10 and 16 are rejected under 103(a) as obvious over Giannelis in view of Fried, USH 1957H which discloses polymerization reactions into which may be added various cyclic nitroxyls. While the instant invention does not include nitroxyls, Fried is combined with Giannelis because the Examiner finds nitroxyls and imino ethers to be functional equivalents.

Applicants respectfully traverse the rejections.

Applicants respectfully point out that Fried adds cyclic nitroxyl compounds as inhibitors of polymerization not initiators, column 3, lines 29-35. Applicants therefore respectfully aver that one considering the initiator of Giannelis would not find the nitroxyl inhibitors of the Fried disclosure to be functional equivalents.

Nonetheless, Applicants respectfully point out, as discussed above regarding Giannelis, that in order for the compounds of the instantly amended claims to be cyclic compounds as in Fried, p

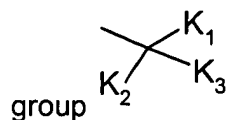
and q in instant formula I would be 0, r would then be 1 with $-L_3(Q^+X^-)$ being a group . No such substitution is suggested by Giannelis or Fried, especially as Fried explicitly has no substitution at this position.

In light of the amendments and discussion above, Applicants respectfully submit that the rejections of claims 2-5, 7, 9, 10 and 16 under 103(a) over Giannelis in view of Fried, USH 1957H are overcome and kindly ask that the rejections be withdrawn.

Claims 6 and 8 are rejected 103(a) as obvious over Giannelis above in view of Wunderlich, US 6,596,940 which discloses cyclic nitroxyl radicals used in polymerization reactions wherein the carbons adjacent to the nitroxyl are substituted by alkyl chains larger than methyl.

Applicants respectfully traverse the rejections.

As above, in order for the compounds of the instantly amended claims to be cyclic compounds as Wunderlich, p and q in instant formula I would be 0, r would then be 1 with $-L_3(Q^+X^-)$ being a

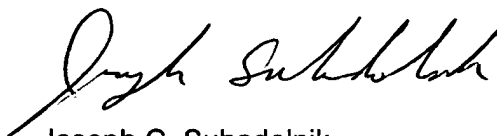


As Wunderlich relates only to nitroxyls as initiators, the disclosure is entirely silent regarding a substituent at instant $-L_3(Q^+X^-)$ and therefore does not remedy the deficiencies of Giannelis.

In light of the amendments and discussion above, Applicants respectfully submit that the rejections of claims 6 and 8 under 103(a) over Giannelis above in view of Wunderlich, US 6,596,940 are overcome and kindly ask that the rejections be withdrawn.

Applicants respectfully submit that all objections and rejections are addressed and are overcome and kindly ask that they be withdrawn and claims 1 and 3-23 found allowable. In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

Respectfully submitted,



Joseph C. Suhadolnik
Agent for Applicants
Reg. No. 56,880
filed under 37 CFR 1.34(a)

Ciba Specialty Chemicals Corporation
Patent Department
540 White Plains Road
P.O. Box 2005
Tarrytown, NY 10591-9005
Tel. (914) 785-2973
Fax (914) 785-7102